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Attorneys for Defendant
Resort Vacations, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

RONALD RUDOLPH,

Plaintiff,

v.

RESORT VACATIONS, INC.,

Defendants.

Case No. 8:15-cv-00735-JVS-DFM

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO DISMISS
PURSUANT TO 12(b)(6)**

Date: July 20, 2015

Time: 1:30 p.m.

Dept.: Courtroom 10C

Complaint Filed: May 8, 2015

Judge: James V. Selna

Mag. Judge: Douglas F. McCormick

JURY TRIAL DEMANDED

Pursuant to Federal Rules of Evidence, Rule 201, Defendant Resort Vacations, Inc. requests that the Court take judicial notice of the following facts and documents, which are submitted in support of Defendant's Motion to Dismiss Plaintiff's Complaint.

A. Exhibit 1, attached, is a copy of Assembly member Lloyd Connelly's Author's Statement of Intent for Assembly Bill 2465.

B. Exhibit 2, attached, is a copy of a letter from Michael S. Sands to Assembly Members Phil Isenberg and Lloyd Connelly, dated August 31, 1991.

C. Exhibit 3, attached, is a copy of Chapter 909 of the California Statutes of 1985.

1 D. Exhibit 4, attached, is a copy of Chapter 696 of the California Statutes of 1990.

2 E. Cellular and cordless phones operate by transmitting radio waves broadcast through the
3 air. See, e.g., *State v. Howard*, 679 P. 2d 197 (Kan. 1984); *State v. McVeigh*, 224 Conn.
4 593 (1993);

5 <https://www.fcc.gov/encyclopedia/faqs-wireless-phones>;

6 [http://www.cdc.gov/nceh/radiation/factsheets/224613_fa_q_cell-phones-and-your-](http://www.cdc.gov/nceh/radiation/factsheets/224613_fa_q_cell-phones-and-your-health.pdf)
7 [health.pdf](http://www.ncbi.nlm.nih.gov/pubmed/20383359); <http://www.ncbi.nlm.nih.gov/pubmed/20383359>;

8 <https://www.fcc.gov/guides/interference-defining-source> ;

9 <https://www.fcc.gov/guides/interception-and-divulgence-radio-communications>;

10 <https://transition.fcc.gov/cgb/consumerfacts/cellcoverage.pdf>;

11 <http://www.dhra.mil/perserec/osg/v2comint/cordless.htm> (“Cordless phones operate like
12 mini-radio stations”);

13 <http://www.dhra.mil/perserec/osg/v2comint/mobile.htm> (“All mobile telephones are
14 basically radio transceivers. Your voice is transmitted through the air on radio waves.

15 Radio waves are not directional -- they disperse in all directions so that anyone with the
16 right kind of radio receiver can listen in.”)

17 F. Receive, receiver, and reception are terms commonly used in connection with the
18 conversion of incoming radio waves into perceptible signals. See, e.g.,

19 [http://en.wikipedia.org/wiki/Receiver_\(radio\)](http://en.wikipedia.org/wiki/Receiver_(radio)); [https://www.fcc.gov/guides/interference-](https://www.fcc.gov/guides/interference-defining-source)
20 [defining-source](https://www.fcc.gov/guides/interference-defining-source).

21 G. In the 1980s and 1990s there existed many cordless phones that broadcast calls in radio
22 waves that could be received by third parties using the correct equipment. See all
23 sourced cited above.

24 The Court should take judicial notice because the facts and documents are not subject to
25 reasonable dispute because they are generally known within the trial court's territorial jurisdiction or
26 can be accurately and readily determined from sources whose accuracy cannot reasonably be
27 questioned. Fed. R. Evid. 201.

28 Courts may take judicial notice of the legislative history of state statutes. See, e.g., *Chaker v.*

1 *Croghan*, 428 F.3d 1215, 1223 n.8 (9th Cir. 2005).

2 Courts may take judicial notice of State Court pleadings and orders. See, e.g., *U.S. v. Wilson*,
3 631 F.2d 118 (9th Cir. 1980).

4 Courts may take judicial notice of facts that are generally known, including those shown by
5 reference to government websites or papers. *Sachs v. Republic of Austria*, 737 F.3d 584, 597, n. 10
6 (9th Cir. 2013); *Gold v. United States*, 378 F.2d 588, 592 (9th Cir. 1967).

7 Dated: 6/16/2015

LOSCH & EHRLICH

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9 By: 

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11 Mark R. Meyer
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13 Resort Vacations, Inc.
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